

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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EDWARD OSKEL, et al.,

Plaintiff,

vs.

RANDY JAMES PARDEE, et al.,

Defendant.

2:11-cv-154-GMN-NJK

ORDER

This matter is before the Court on Plaintiff's Emergency Motion to Strike New Prime's Designated Expert Witness Report (#97). The Court has considered the Plaintiff's Motion (#97), the Defendants' Response (#99), and the Plaintiff's Reply (#101).

DISCUSSION

The Plaintiff asserts that New Prime's Expert Witness Dr. Glenn Lipson's January 16, 2013, Report should be stricken for failure to comply with Fed.R.Civ.P. 26(a)(2)(B) and *Daubert*. Concerning Fed.R.Civ.P. 26(a)(2)(B), the Plaintiff asserts that Dr. Lipson failed to identify all the facts and data he relied upon in forming his opinion. This is incorrect. The Court has reviewed Dr. Lipson's report and it clearly states which records he reviewed. As for the *Daubert* argument, the Court finds that a *Daubert* dispute is more appropriately reserved for a motion in limine and other pre-trial matters, not an emergency discovery dispute. Accordingly, the Emergency Motion to Strike is denied. The deposition of Dr. Glenn Lipson shall proceed as scheduled.

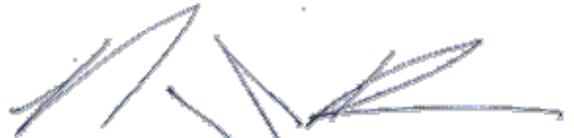
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CONCLUSION

Based on the foregoing, and good cause appearing therefore,

IT IS HEREBY ORDERED that Plaintiff's Emergency Motion to Strike New Prime's Designated Expert Witness; Report (#97) is **DENIED**.

DATED this 29th day of January, 2013.



NANCY J. KOPPE
United States Magistrate Judge